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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,724	06/13/2005	Barry W Hutzel	DON01 P-1123	6777
28101 7590 01/05/2010 VAN DYKE, GARDNER, LINN & BURKHART, LLP SUITE 207 2851 CHARLEVOIX DRIVE, S.E. GRAND RAPIDS, MI 49546				
EXAMINER MA, CALVIN				
ART UNIT 2629		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/538,724

Applicant(s)

HUTZEL ET AL.

Examiner

CALVIN C. MA

Art Unit

2629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12, 13, 15, 17, 20-22, 32, 33 and 58-68 is/are pending in the application.
- 4a) Of the above claim(s) 32-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 13, 15, 17, 20-22, 58-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-949)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claim 33, are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species C based on figure 17, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Baratono et al. (US Patent 6,889,064)

As to claim 1, Baratono discloses an interior rearview mirror system for (10) a vehicle comprising:

a casing (i.e. the casing 50) (see Fig. 8);

a reflective element (18), said reflective element having a length axis and a width

axis (i.e. the rearview mirror 18 has both a length and width axis as shown in figure 8 of Baratono); and

a video display screen (70) slidably mounted at said casing and slidable in a direction generally parallel to said length axis of said reflective element (19) between a non-use position (i.e. the position when the element 70 is in a position as shown in figure 7), wherein said video display screen is positioned substantially within said casing (50), and a use position (i.e. the out position as shown in figure 7 where the user is able to see the element 70 in display functionality) (see Fig. 7), wherein said video display screen is substantially extended from a side of said casing for viewing by an occupant of the vehicle (i.e. as shown in figure 7 and 8 the slidable video display element 70 is able to move between a in and out position that is parallel to the length axis of the mirror 18) (see Fig. 7-8, Col. 5, Lines 36-67).

As to claim 2, Baratono teaches the interior rearview mirror system of claim 1, wherein said video display screen (70) is mounted to at least one sliding member which is slidable relative to said casing (i.e. as seen clearly in figure 7 the sliding member 70 has a video display on it that is able to slide with respect to the casing of the rear view mirror) (see Fig. 7, Col. 5, Lines 36-55).

As to claim 3, Baratono teaches the interior rearview mirror system of claim 2, wherein said at least one sliding member (70) is slidable along or within a sliding block mounted within said casing (i.e. as shown in both figure 7 and 9 the slidable screen when it is in a in position consists of a block inside of the case of the rear view mirror) (see Fig. 7, 9, Col. 5, Lines 35-60).

As to claim 4, Baratono teaches the interior rearview mirror system of claim 1, wherein said video display screen is slidable along at least one rail (i.e. the area surrounding the sliding member 70 can be seen as a rail that has the sliding member enclose in the in-ward position) positioned within said casing (see Fig. 9).

As to claim 6, Baratono teaches the interior rearview mirror system of claim 1, wherein said video display screen is substantially extended toward the passenger side of the vehicle in said use position.

As to claim 7, Baratono teaches the interior rearview mirror system of claim 1, wherein said video display screen is pivotable about a pivot joint when extended to said use position (i.e. since the entire display system are pivotal about the joint 61) (see Fig. 1, Col. 4, Lines 53-60).

As to claim 8, Baratono teaches the interior rearview mirror system of claim 1, wherein said video display screen is manually movable between said non-use position and said use position (see Fig. 7, Col. 5, Lines 43-53).

As to claim 9, Baratono teaches the interior rearview mirror system of claim 8, wherein said video display screen includes a grip or handle (i.e. the figure 7 drawing clearly shows that the display 70 is designed so that the edge of the display can be grasped by the user) for grasping and pulling said video display screen toward said use position (see Fig. 7-9, Col. 5, Lines 53-65).

As to claim 10, Baratono teaches the interior rearview mirror system of claim 1, wherein said video display screen is biased toward one of said use position and said non-use position (i.e. figure 7 clearly shows the two position In and Out where the screen be made into where one is having the display all the way inside and not showing and the other is outside of the display housing) (see Fig. 7, Col. 5, Lines 43-67).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baratono et al. (US Patent 6,889,064)

As to claims 5 and 6, Baratono teaches the interior rearview mirror system of claim 1, wherein said video display screen is substantially extended toward one side of the vehicle, however it does not clearly show the direction of the screen as being either toward the driver side of the passenger side, since it did not limit the orientation of the driver layout as being one of designated on the left or on the right. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made

to have applied the design of Baratono in either the left driver setting of automobile customary in the United States or the Right side design used in nations such as Britain and Australia, therefore the artisan can adapt the mirror to automobile in either configuration as the situation warrants such a deployment making the design workable in either the passenger side or the driver side.

6. Claims 12-13, 15, 17, 20-22 and 58-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baratono et al. in view of Bertagna (US Pub: 2001/0043455) .

As to claim 58, Baratono teaches an accessory system for a vehicle (i.e. the system where by the mobile telephone system is implemented in the vehicle) (see Fig. 1) comprising:

an interior rearview mirror assembly having a casing and a reflective element, said reflective element having a length axis and a width axis; and

a display screen (70) movably mounted at said casing (i.e. the casing 50) (see Fig. 8) and movable to move between a non-use position, wherein said display screen is not directly viewable, and a use position, wherein said display screen is substantially extended from a portion of said mirror assembly for viewing by an occupant of the vehicle (i.e. the display unit 70 is able to move to the in and out position as shown in figure 7) (see Fig. 7, 8, Col. 5, Lines 36-67). However, Baratono does not explicitly teach said display screen being automatically moved to said use position in response to

an activating event. Bertagna teaches display screen being automatically moved to said use position in response to an activating event (i.e. the movable LCD monitor is able to move to operational position from the stowed position) (see Bertagna Fig. 1-2, [0025-0026]).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to have used the electrically powered automated monitor movement method to the vehicle display system of Bertagna in order to make it easier for the user to operate the system.

As to claim 59, Baratono teaches wherein said display screen is at least one of pivotably mounted at said casing and slidably mounted at said casing (i.e. the display screen is pivotably mounted since the whole unit can pivot together) (see Baratono Fig. 1 and Fig 7, Col. 4, Lines 20-45).

As to claim 17, 60, Bertagna teaches wherein said activating event comprises, actuation of a cabin viewing device (i.e. the activation of the entertainment system) (see Bertagna [0031]).

As to claims, 20, 61 and 62, Bertagna teaches wherein said video display screen is retracted to said non-use position in response to a signal indicative of a deactivating event, where the deactivation of a cabin viewing device, deactivation of a video communication device (i.e. the aircraft prepares for landing and the system is to be deactivated) (see Bertagna [0035-0036]).

As to claims 21, 63, Bertagna teaches wherein said display screen is automatically movable to said use position in response to multiple activating events (i.e. the system of Bertagna also monitor striking object by the monitor which cause reaction of the system that function together with other actuating event) (see Bertagna [0036]).

As to claims 22, 64, Bertagna teaches accessory system of claim 63, wherein at least one of said activating events and said deactivating events is manually overridable in response to a manual input (i.e. the system of Bertagna also monitor striking object by the monitor which this means that the user can manually activate the actuation of switch 21 cause reaction of the system that function together with other actuating event) (see Bertagna, Fig. 2, [0036]).

As to claim 65, Baratono teaches including a navigation system, said display screen being operable to display at least one of instructions, a compass heading, and a map indicative of a selected route output of said navigation system (i.e. the GPS system is part of the display system) (See Baratono Fig. 4-6, Col. 6, Lines 1-60).

As to claim 66, Baratono and Bertagna teaches said activating event comprises an approach of a waypoint of a selected route (i.e. Bertagna teaches the activation event is the plane approaching landing, and since Bertagna also teaches that the system is able to function in any type of vehicular environment this event can be interpreted as arriving the destination of choice) (see Bertagna [0035], [0058]), said display screen displaying said at least one of an instruction and a map pertaining to the

waypoint to the driver of the vehicle when said display screen is extended (i.e. since Baratono teaches the display system being a GPS system).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to have used the GPS functionality Baratono in addition to the normal device actualization system of Bertagna for actualizing the display movement as it would have been advantageous for the user to be able to see display during situation where additional information is required for navigation purpose, which is the reason that GPS is incorporated into a vehicle in the first place.

As to claims 67 and 68 Bertagna teaches wherein said display screen is retracted after the vehicle has passed the waypoint (i.e. detecting the vehicle close to landing which necessarily it a point in the route that the vehicle traveled) (see Bertagna [0035]).

As to claim 12, Bertagna teaches wherein said video display screen is extended and retracted in response to a drive system (i.e. the movable LCD monitor is able to move to operational position from the stowed position) (see Bertagna Fig. 1-2, [0025-0026]).

As to claim 13, Bertagna teaches interior rearview mirror system of claim 12, wherein said drive system comprises an electrical drive motor (see Bertagna Fig. 1-2, [0025-0026]).

As to claim 14, Bertagna teaches, wherein said video display screen is extended in response to a signal indicative of an activating event (i.e. the

electronic signal controlling the activation and deactivation of the monitor) (see Bertagna [0035-0036]).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior Malone et al. USP 6631155 is cited to teach another motorized secondary monitor design.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CALVIN C. MA whose telephone number is (571)270-1713. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on 571-272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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December 31, 2009

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